

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

LG. PHILIPS LCD CO., LTD,

Plaintiff,

V.

MICHELE B. BOVIO &  
ROBERT C. FRAME,

**Defendants.**

) CIVIL ACTION NO. CV-04 11076 (RCL)

**DECLARATION OF ANTHONY C. ROTH IN SUPPORT OF LPL'S  
OPPOSITION TO DEFENDANT FRAME'S FRCP 12(b)(1) MOTION TO  
DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

I, Anthony C. Roth, declare:

1. I am an attorney licensed to practice in Michigan and Washington, D.C., and am a partner in the Washington, D.C. office of the law firm of Morgan, Lewis & Bockius, LLP. I have been admitted *pro hac vice* to practice before this court in the above-captioned matter. I have personal knowledge of the matters stated herein, and if called to testify, could and would testify competently thereto.

2. In 2002, LG. Philips LCD Co., Ltd. (“LPL”) filed an action for patent infringement in the U.S. District Court for the Central District of California against Chunghwa Picture Tubes, Ltd. (“CPT”) and other defendants (the “California Action”).

3. Attached as Exhibit A are true and accurate copies of scheduling orders in the California Action, showing that by February 2004, the parties had completed briefing on

disputed claim terms of the patents-in-suit and submitted tutorials to explain the technology involved in the case, and that the Court in the California Action was scheduled to conduct a claim construction hearing on April 5, 2004.

4. Attached as Exhibit B is a true and accurate copy of a March 17, 2004 e-mail from CPT's counsel, Christopher Mathews, to me announcing that his firm, Howrey Simon, is "now representing" Robert Frame and Michele Bovio.

5. Attached as Exhibit C are copies of letters from me to Howrey Simon seeking access to Bovio's notebooks.

6. Attached as Exhibit D is a true and accurate copy of the subpoena and notices issued to Frame in the California action.

7. Attached as Exhibit E is a true and accurate copy of the July 12, 2004 court order in the California Action enforcing the deposition notice for Frame's deposition.

8. Attached as Exhibit F is a true and accurate copy of pages 32-36 of the transcript of Frame's July 16, 2004 deposition in the California Action.

9. Attached as Exhibit G are true and accurate copies of CPT's press releases and advertisements asserting that Frame and Bovio, "the true inventors of these LPL patents worked for DEC."

I affirm under penalty of perjury that the foregoing is true and correct.

Dated: August 4, 2004

  
Anthony C. Roth